Remarks

Reconsideration of this Application is respectfully requested.

Claims 5, 7-11, 13-17 and 19-23 are pending in this application. Claims 1-4, 10 and 16 have been canceled. Claims 6, 12 and 18 have been previously canceled. Claims 21-23 have been added.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

In the Final Office Action dated October 14, 2005, claims 1-20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Aziz et al., U.S. Patent No. 6,779,016 in combination with Huang et al, U.S. Patent Publication No. 2002/0091697. In the Advisory Action dated December 30, 2005, the Examiner maintained the rejections and/or indicated that new search and/or consideration is required.

The rejections under 35 U.S.C. § 103(a)

Previously pending claims 1-20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Aziz et al., U.S. Patent No. 6,779,016 and Huang et al., U.S. Patent Publication No. 2002/0091697. In the interest of advancing the prosecution of this application, the independent claims have been rewritten as new claims 21-23 to further clarify what Applicants regard as "the user processes being separated on a namespace level and separated based on restrictions implemented in the operating system kernel," recited previously. Upon reflection, although Applicants believe that the original language is technically correct and would be understood by one of ordinary skill in the art, Applicants have nonetheless rewrote independent claims 4, 10 and 16 as new claims 21-23 (rather than amend the language of the existing claims), to make the text more readable.

Atty. Dkt. No. 2230.0400001/MBR/GSB

Tormasov *et al.*
Appl. No. 09/918,031

The revised language makes it clear that the single physical server maintains a number of objects (i.e., processes, files, etc.) that have identifiers (such as file names, e.g., KERNEL32.DLL or alphanumeric strings/file IDs maintained by the kernel). Each virtual environment has its own set of objects and identifiers - this is what a namespace is -- a collection of unique names (see, e.g., Crowley, Operating Systems: a Design-Oriented Approach, page 753, para. 2 (1997), cited in the Information Disclosure Statement submitted by the Applicant previously). The following resources on the Internet also provide workable definitions that are consistent with how Applicants are using the term:

http://www.google.com/search?hl=en&lr=&oi=defmore&defl=en&q=define:Namespace:

> The set of names accessible at a given point in a program.
> www.it.bton.ac.uk/staff/je/adacraft/glossary.htm
>
> a closed set of names or a place where a schema (set of names) is stored. Namespaces are identified via a URI (for example, a URL) and are a mechanism to resolve naming conflicts. Within a given namespace all names must be unique, although the same name may be used with a different meaning in a different namespace.
> members.optusnet.com.au/~webindexing/Webbook2Ed/glossary.htm

http://isp.webopedia.com/TERM/N/namespace.html :

> namespace
>
> (1)   The set of names in a naming system.

Objects <u>on the same physical server</u> belonging to <u>different</u> virtual environments can have <u>identical</u> identifiers, and the OS kernel restricts access to the objects, such that a virtual environment can only access its own object (even though there might be other objects with the same identifier).

Atty. Dkt. No. 2230.0400001/MBR/GSB

Aziz teaches nothing of this sort, and cannot teach anything of this sort, given the nature of its Virtual

Server Farm.

The Advisory Action pointed to the passage in Aziz that deals with billing for web

servers:

> In another embodiment, the Web pages enable the customer to choose one of several VSF service plans, such as automatic growth and shrinkage of a VSF between a minimum and maximum number of elements, based on real-time load. The customer may have a control value that allows the customer to change parameters such as minimum number of computing elements in a particular tier such as Web servers, or a time period in which the VSF must have a minimal amount of server capacity. The parameters may be linked to billing software that would automatically adjust the customer's bill rate and generate billing log file entries.

At a minimum, web servers are not equivalent to virtual environments, since a web server

is a physical server that only responds to HTTP requests.   For example, the following is a

generally accepted definition:

> http://www.webopedia.com/TERM/W/Web_server.html:
>
>> Any computer can be turned into a Web server by installing server software and connecting the machine to the Internet. There are many Web server software applications, including public domain software from NCSA and Apache, and commercial packages from Microsoft, Netscape and others.

In other words, a web server is a <u>physical</u> server with installed software. It is not a <u>virtual</u>

environment in any possible sense of the word. Applicants respectfully submit that one of

ordinary skill in the art would not regard a web server as being functionally equivalent to a

virtual environment.

Even aside from the relevance of billing for web services to virtual computing

environments, Applicants respectfully remind the Examiner that all the independent claims recite

Atty. Dkt. No. 2230.0400001/MBR/GSB

that <u>no emulation of hardware is required</u>. As Applicants pointed out on several occasions, Aziz

specifically teaches hardware emulation (col. 14, lines 15-22):

> In one alternative, a wide area backbone may be based on Asynchronous Transfer
> Mode (ATM) switching. In this case, each local area VLAN is extended into a wide area
> using **Emulated** LANs (ELANs) which are part of the ATM LAN **Emulation** (LANE)
> standard. In this way, a single VSF can span across several wide area links, such as
> ATM/SONET/OC-12 links. An ELAN becomes part of a VLAN which extends across
> the ATM WAN.

Therefore, regardless of what Aziz says about billing for web services, this difference alone is

sufficient to distinguish the pending claims from Aziz.

In sum, Applicants respectfully submit that the present claims clearly distinguish over

Aziz, and that the above amendments place the claims in condition for allowance. Applicants

therefore respectfully request reconsideration and withdrawal of the rejections, and an allowance

of this application.

Conclusion

All of the stated grounds rejection have been properly traversed, accommodated, or

rendered moot. Applicants therefore respectfully request that the Examiner reconsider all

presently outstanding rejections and that they be withdrawn. Applicants believe that a full and

complete reply has been made to the outstanding Office Action and, as such, the present

application is in condition for allowance. If the Examiner believes, for any reason, that personal

communication will expedite prosecution of this application, the Examiner is invited to

telephone the undersigned at the number provided.

Atty. Dkt. No. 2230.0400001/MBR/GSB

- 11 -   Tormasov *et al.*
                                         Appl. No. 09/918,031

Prompt and favorable consideration of this Preliminary Amendment is respectfully

requested.

                                    Respectfully submitted,

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                                                    Atty. Dkt. No. 2230.0400001/MBR/GSB